IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 5702 OF 2005
IN
CRIMINAL APPEAL NO.27 OF 2005

Ajay @ Azad Sararbahaddur Singh ... Applicant.
(Orig. accused No.2)

Vs

The State of Maharashtra
(Kasturba Marg Police Station) ... Respondent.

Mr. A.R. Sing with Mr. V.K. Singh for the applicant.

Mr. S.V. Gajare, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 26th September, 2005
(In Chamber at 5.00 P.M.)

P.C.

1. This is a third application for bail filed by the applicant who is convicted under the provisions of sections 342, 452, 392, 397 read with 120(b) of the Indian Penal Code. The applicant was convicted by the Trial Court and was sentenced to suffer R.I. for seven years. The applicant was arrested nearly 10 months after the date of the incident and the only evidence against him is in the form of the test identification parade.

2. It is submitted by the learned Counsel appearing on behalf of the applicant that the applicant has undergone 2 years and 10 months out of the period of 7

years. It is submitted that the appeal is not likely to be heard for some time atleast for a year or two. It is submitted that so far as the present applicant is concerned, there are no prior antecedents and, during trial, he was released on bail and he had reported to the concerned Police Station and, thereafter, had faced the trial. He submitted that, under the circumstances, the applicant may be released on bail.

3. The learned APP appearing on behalf of the State submitted that this is a third application which is filed by the applicant. His earlier application which was filed on the medical ground was rejected on 22/07/2005. It is submitted that there is no change in the circumstances and, therefore, the application is liable to be rejected.

4. In the present case, the admitted position is that the applicant is in jail since last 2 years and 10 months. Appeal is not likely to be taken up for final hearing in the near future. There are no criminal antecedents against the applicant. Though his earlier application for bail was rejected by this Court, liberty was granted to apply again if the appeal is not heard within a reasonable period of time. Thereafter, this application has been filed. Under

these facts and circumstances, in my view, case is made out for grant of bail.

5. The applicant be released on bail in the sum of Rs 5,000/- with one or two sureties in the like amount. The applicant, however, to report to Kasturba Marg Police Station, Borivali, Mumbai once in a week during the pendency of the appeal.

6. With these directions, the Criminal Application is allowed in the above terms.

7. Parties to act on the copy of this order duly authenticated by the Registry.

V.M. KANADE, J.